

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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- v -

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**NOTICE OF MOTION
TO SUPPRESS EVIDENCE
07 Cr. 899 (VM)**

OYEWALE OLANIBI,

:

:

Defendant.

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PLEASE TAKE NOTICE that upon the annexed affirmation of Roland Thau, his counsel, his own affirmation, and memorandum of law, the defendant **OYEWALE OLANIBI** will move for an Order pursuant to Rules 12 and 41, Fed.R.Crim.P., suppressing all the physical evidence seized from him, his property and his home and suppressing all post-arrest statements made by and attributed to him, all on the ground that his arrest lacked probable cause, such that all seizures and post-arrest statements were "fruit of the poisonous tree" and on the alternative ground that even *arguendo* if his arrest had been based on probable cause, the non-consensual and warrantless search of his computer bag following his arrest was in violation of his constitutional rights and, for that reason as well, furnished the "poisonous basis" for the search warrant which authorized that his computer's contents and his home be searched.

Dated: New York, New York
January 28, 2008

Yours, etc.

LEONARD F. JOY, ESQ.
Federal Defender of New York

By: /s/
ROLAND THAU, ESQ.
Staff Attorney
Attorney for Defendant
Oyawale Olanibi
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TO: Michael Garcia, ESQ.
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Southern District of New York
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Attn: **ANTONIA M. APPS, Esq.,**
Assistant United States Attorney